

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 22 2005

Applicant: Nam T. Chao et al.

Application No.: 10/709,019

Group Art Unit: 3732

Filed: April 7, 2004

Examiner: Annette R. Reimers

Entitled: SPINAL CROSS-CONNECTORS

Docket No.: 101896-245 (DEP5277)

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July 22, 2005

By: 

Date of Signature and Mail Deposit

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated July 14, 2005.

The Examiner has vacated the previous election/restriction, and now requires restriction of the above-referenced application to one of the following inventions:

Group I: claims 1-40, drawn to an implantable spinal cross-connector; and

Group II: claims 41-50, drawn to a spinal rod and cross connector system.

Applicants elect the Group I claims (claims 1-40). Accordingly, claims 41-50 are withdrawn from consideration.

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The Examiner further requires election of one of the following "patentably distinct" species:

Species I: Figure 1A-3B
Species II: Figures 4A-6B
Species III: Figure 7
Species IV: Figures 8A-8B
Species V: Figure 9


Claims 1, 37, and 41 are considered generic.

Applicants elect Species I (Figures 1A-3B). Of the elected claims, claims 1-6, 8-13, 15-34, and 36-40 read on the elected species. Accordingly, claims 7, 14, and 35 are also withdrawn from consideration.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: July 22, 2005



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